

Testimony from Edward Kempen

Dear Representatives of the Judiciary Committee,

I am a resident of the city of Troy in the state of Michigan. I have talked with many people from throughout SE Michigan and know what many of them have experienced in the family court system.

I believe that current Michigan Law only serves to guarantee a father's access to lawyers and the courts, not their families. Right now, by awarding custody automatically (even if temporarily) to the mother, any unwed fathers are by default presumed unfit, while unwed mothers are presumed fit. Temporary orders are almost never revoked by judges and as HB4161 was altered it does little if anything to provide our constitutional ideal of equality in family court.

"Equality", and the "Common Good" are strong American government values which I remember from grade school social studies classes. I even saw them posted on my child's school wall. I asked my daughter what "Equality" and the "Common Good" meant. If you ask a 4th grader they most likely tell you men and women should be treated equally. If you are given a chance to talk to a 4th grader that has been deprived a father - they will tell you they wished they knew their Dad. Unfortunately, this is not rare in Michigan.

Michigan's policy of dumping fathers at the onset of fatherhood means many fathers give up before they ever start. If they hire a lawyer to pursue custody they won't be able to afford the high costs of child support and will be criminals in Mike Cox's child support prison before they even get a chance to win the opportunity of fatherhood in court.

My limited study of law seems to make me believe that any other basis would open the State of Michigan up to discrimination lawsuits. HB4161 (in its original unaltered form) erases the faulty presumption. It is not a complete resolution to our family law issues, but at least the State of Michigan can say one particular discriminatory law is gender-clean.

Please do everything in your power to guarantee the rights of fathers to father. The court system empowers hostility and conflict, and destroys Michigan's families financially and emotionally. Every lawyer knows the best defense for a custody suit is to drag it out as long as possible. Most cases are settled out of financial distress, NOT the laws. I've been there, it can be a fate worse than prison or even death. Additionally, it is financially unattainable to most Michigan citizens - leaving them NO REAL choice to parent. I met with attorneys who wanted \$10,000 down and real estimates to completion were \$25,000 to over \$100,000. What young unmarried father has that kind of money? Listen carefully to the feedback from those inside the system. Usually, financial motives are left hidden behind their arguments against presumption of equality.

The Parents of Michigan are demanding equality. Equal means Equal. The world has changed in the last 20 years. Roughly 85% of Michigan residents believe in a presumption of equity in custody determination.

The best interests of the child truly lie in the interests of the Family as a whole, not in parts. Let the parents decide, not the lawyers.

Thank you Reps. Gosselin and Pastor for sponsoring the 'original' bill. I look forward to meeting and talking with all of you in the future.

Please contact me personally if you would like to discuss this further.

Sincerely,
Edward Kempen
Proud father of 2 daughters
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